IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 21ST JUNE 2007 / 31ST JYAISHTA 1929

WP(C).No. 19046 of 2007(P)

OS.69/2005 of MUNSIFF COURT, PALA
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PETITIONER:

M.V.SUDHAKARAN,
MEPPUTHUSSERIL, KADANADU VILLAGE,
KADANADU P.O., MEENACHIL TALUK,
KOTTAYAM DISTRICT.

BY ADV. SRI.P.N.SASIDHARAN
SRI.C.A.ANUPAMAN

RESPONDENT:

JOHNY GEORGE,
PLALICKAL HOUSE, ALANADU KARA,
BHARANANGANAM VILLAGE, MEENACHIL TALUK,
KOTTAYAM DISTRICT.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 21/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N. KRISHNAN, J.

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W.P.C. NO. 19046 OF 2007

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Dated this the 21st day of June, 2007.

J U D G M E N T

This writ petition is filed to quash Ext.P9, P10 and P11 and to issue a mandamus to the Munsiff Court, Pala to stay all further proceedings in O.S.69/05 till a final decision is taken in O.S.122/00.

2. The order which resulted in Ext.P9 is a petition to remove the case from the list and Ext.P10 is for a stay u/s 10 of C.P.C. Both these applications were dismissed by the Munsiff, Pala on 3rd March, 2007 and thereafter he proceeded to dispose of O.S.69/05 on 5th March, 2007. In order to attract S.10 C.P.C. there must be two suits pending. As things stand today O.S.69/05 is not pending before the Court. So, even if an application u/s 10 C.P.C. is filed no positive direction can be given and the proper remedy for the party is to challenge the judgment in O.S.69/05. Therefore, no relief can be granted in this writ petition and hence it is dismissed.

M.N. KRISHNAN, JUDGE.

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